

PM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**  
**Federal Communications Commission**  
**1919 M Street, N.W., Room 844**  
**Washington, D.C. 20554**  
**Telephone: (202) 418-2200**  
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April 18, 1995

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**FEDERAL COMMUNICATIONS COMMISSION**  
**OFFICE OF SECRETARY**

**DOCKET FILE COPY ORIGINAL**

The Honorable Allen Settle  
Mayor  
City of San Luis Obispo  
990 Palm Street  
P.O. Box 8100  
San Luis Obispo, California 93403

Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Mayor Settle:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

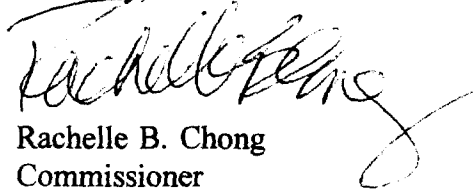
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

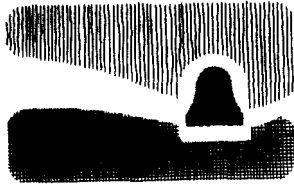
Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle B. Chong", with a long, sweeping flourish extending to the right.

Rachelle B. Chong  
Commissioner



# city of san luis obispo

990 Palm Street/Post Office Box 8100 • San Luis Obispo, CA 93403-8100

March 9, 1995

Federal Communications Commission  
Attn: Rachelle Chong  
1919 M Street, N.W.  
Washington, DC 20036

Subject: RM-8577 - Cellular Telecommunications Industry Association's Petition

Dear Ms. Chong:

It has come to the attention of the City of San Luis Obispo, California that the Federal Communications Commission has received a petition by the cellular telecommunications industry to preempt state and local governments from enforcing zoning and other similar regulations for the construction of mobile radio communication towers. The City has read the petition with interest because we consider ourselves a quality conscious community that has taken great efforts to balance the needs of technology with the aesthetic qualities of our community.

The proposed petition as we understand it, would prohibit the City from applying our zoning and architectural regulations that are the foundation for development in our community. We certainly have the fear that loosing these controls could result in development that does not take into account what is best for the community as a whole. We have an excellent relationship with local cellular providers and our area is sufficiently "covered" with cellular service consistent with our existing development regulations. We believe that we can continue to work with this evolving industry to meet their construction desires when the needs arises.

As a City, we do not support turning over our local land use controls to a Federal agency that may not know the needs of our local citizens. We therefore request that you not support this petition.

Sincerely,

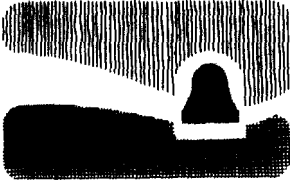
Allen Settle,  
Mayor

cc: John Dunn, CAO  
Arnold Jonas, Community Development Director  
Ronald Whisenand, Development Review Manager

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The City of San Luis Obispo is committed to including the disabled in all of its services, programs and activities.  
Telecommunications Device for the Deaf (805) 781-7410.



# city of san luis obispo

990 Palm Street/Post Office Box 8100 • San Luis Obispo, CA 93403-8100

March 13, 1995

Federal Communications Commission  
Attn: Rachelle Chong  
1919 M Street, N.W.  
Washington, DC 20036

**RE: RM-8577 - CELLULAR TELECOMMUNICATIONS INDUSTRY ASSN. PETITION**

Dear Ms. Chong:

It has come to the attention of the City of San Luis Obispo, California that the Federal Communications Commission has received a petition by the cellular telecommunications industry to preempt state and local governments from enforcing zoning and other similar regulations for the construction of mobile radio communication towers. The City has read the petition with interest because we consider ourselves a quality conscious community that has taken great efforts to balance the needs of technology with the aesthetic qualities of our community.

The proposed petition as we understand it, would prohibit the City from applying our zoning and architectural regulations that are the foundation for development in our community. We certainly have the fear that losing these controls could result in development that does not take into account what is best for the community as a whole. We have an excellent relationship with local cellular providers and our area is sufficiently "covered" with cellular service consistent with our existing development regulations. We believe that we can continue to work with this evolving industry to meet their construction desires when the needs arise.

As a City, we do not support turning over our local land use controls to a Federal agency that may not know the needs of our local citizens. We therefore request that you not support this petition.

Sincerely,



Allen K. Settle  
Mayor

AKS:RW:ss

c: John Dunn, City Administrative Officer



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